

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WOODROW FLEMMING,

Plaintiff,

vs

9:09-CV-1242

BEZALEL WURZBERGER, Psy. Dr.; TIMOTHY
KEMP, Asst. Phy. Dr.; and LOUISE TICHENOR, Med.,

Defendants.

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APPEARANCES:

WOODROW FLEMMING  
03-A-5259  
Plaintiff, Pro Se  
UpState Correctional Facility  
PO Bo 2001  
Malone, NY 12953

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

MICHAEL G. McCARTIN, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Woodrow Flemming, commenced this civil rights action in May 2005, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 15, 2010, the Honorable Andrew T. Baxter, United States Magistrate Judge, recommended that plaintiff's motions for summary judgment (Docket Nos. 52, 53) be denied without prejudice. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Baxter, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

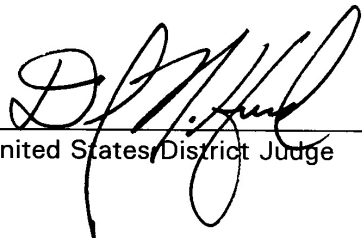
ORDERED that

1. Plaintiff's motions for summary judgment (Docket Nos. 52, 53) are DENIED without prejudice; and

2. The file is returned to the Magistrate Judge for any further proceedings.

IT IS SO ORDERED.

Dated: August 12, 2010  
Utica, New York.

  
United States District Judge